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BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

IN THE MATTER OF APPLICATION OF SMITH)
BAGLEY, INC., FOR DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS CARRIER)
UNDER 47 U.S.C. § 214(e)(2) AND A.A.C.)
R14-2-1203)

DOCKET NO. T-02556A-99-0207

DECISION NO. 63421ORDER

Open Meeting
March 6 and 7, 2001
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On December 15, 2000, the Commission, in Decision No. 63269, granted designation as an Eligible Telecommunications Carrier ("ETC") to Smith Bagley, Inc. ("SBI") and defined its service area to be that portion of its existing cellular service contour which encompasses that portion of the Navajo Indian Reservation located in Navajo and Apache Counties, that portion of the Hopi Indian Reservation located in Navajo County, on the Pueblo of Zuni Reservation located in Apache County and that portion of the White Mountain Apache Reservation located in Navajo, Apache and Gila Counties, with the exception of the Sanders exchange of Table Top Telephone Company ("Table Top").

2. As an ETC, SBI will be eligible to receive Federal universal service support throughout the service area for which the designation is received.

3. Per Decision No. 63269, the Sanders exchange was to be subject to an expedited hearing or comment process as agreed to by the parties to determine whether the Sanders exchange should be included in SBI's ETC service area.

4. On February 20, 2001, Table Top filed a letter stating that contingent upon SBI's signing of a letter agreement, and the negotiation of the interconnection agreement described in the letter

1 agreement, Table Top has no objection to including those reservation lands located within the Sanders
2 Exchange in SBI's ETC designated serving area.

3 5. On February 23, 2001, the parties filed a signed copy of the letter agreement and the
4 parties support placing this matter before the Commission.

5 6. Accordingly, Staff recommends that the ETC service area definition for SBI be modified
6 to now include those reservation lands located within the Sanders exchange and be defined to be that
7 portion of its existing cellular service contour which encompass that portion of the Navajo Indian
8 Reservation located in Navajo and Apache Counties, that portion of the Hopi Indian Reservation
9 located in Navajo County, on the Pueblo of Zuni Reservation located in Apache County and that
10 portion of the White Mountain Apache Reservation located in Navajo, Apache and Gila Counties.

11 CONCLUSIONS OF LAW

12 1. SBI is a telecommunications corporation as defined in A.R.S. § 40-201, 47 U.S.C.
13 Section 153(44), 47 C.F.R. Section 51.5 and Part 54 of the FCC's Rules, 47 U.S.C. Section 54 *et seq.*
14 SBI is also a Commercial Mobile Radio Service provider as defined in 47 U.S.C. § 153(27) and
15 A.A.C. R14-2-1201.

16 2. The Commission has jurisdiction over the subject matter in this application.

17 3. It is in the public interest to grant ETC status to Smith Bagley for those areas within its
18 existing service contour, which encompass Native American Reservation lands, including those
19 Reservation lands located within the Sanders Exchange.

20 4. Staff's recommendations, which are set forth herein, are reasonable and should be
21 adopted.

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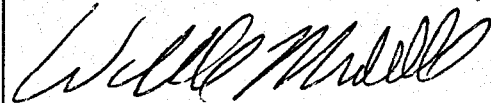
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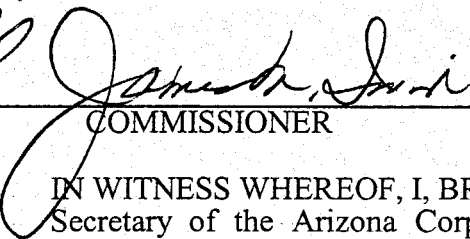
ORDER

IT IS THEREFORE ORDERED that the SBI ETC service area modification to include those reservations lands located within Table Top's Sanders exchange be and hereby is granted.

IT IS FURTHER ORDERED that this decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

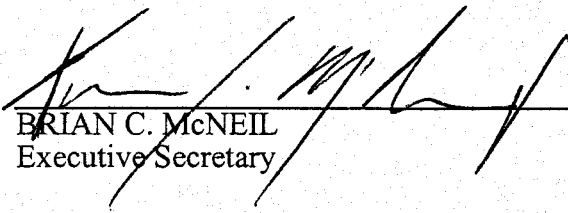


COMMISSIONER



COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 9th day of March, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:RLB:jbc/MAS

1 SERVICE LIST FOR: SMITH BAGLEY, INC

2 DOCKET NO: T-02556A-99-0207

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